

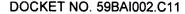
# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| IDEM ART   | ATTY. DOCKET: 59BAI002.C11  |
|--|---|
| IN RE APPLICATION OF:                                  | DAVID BAIN  |
| SERIAL NUMBER:   | 09/757,424  |
| FILED  | 1/11/2001   |
| EXAMINER:  | DIAZ, SUSANNA M.  |
| GROUP ART:   | 3623  |
| FOR:   | SYSTEM FOR CLICK THROUGH CONTEST VOTING VIA   |
|  | COMMISSIONS   |
|  | AMENDMENT AND RESPONSE TRANSMITTAL  |
| Assistant Commissioner of Pa<br>Washington, D.C. 20231 | atents  |
| Sir:   |   |
| Transmitted herewith                                   | are:  |
| X An amendmer  | nt and response letter to Examiner "Non-Compliance" Action  |
| X No additional  | fee is required for this amendment  |
| A petition for a                                       | a month extension of time and   |
| One Page Pro   | posed Drawing Corrections   |
| A check in the   | amount of _\$ for   |
| Change of Ad   | dress Form  |
|  | is granted to charge any additional or deficient fees under 37 CFR § 1.16 eposit Account _50-0562 |
| TRIPLICATE   | ORIGINALS OF THIS TRANSMITTAL SHEET ARE ENCLOSED  |
|  | Dated: June 20, 2005  |
|  | Respectfully submitted,   |
|  | ( ARC   |

Merek, Blackmon & Voorhees, LLC 673 S. Washington St. Alexandria, VA 22314 (703)-684-5633 Robert N. Blackmon Reg. No. 39,494

Attorney for the Applicant





## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### IN THE APPLICATION OF:

APPLICANT : David Bain

SERIAL NO. : 09/757,424

**ART UNIT: 3623** 

FILED

: 1/11/2001

EXAMINER: Diaz, Susanna M.

FOR

: System for Click Through Contest Voting via Commissions

#### RESPONSE TO NON-RESPONSIVE ELECTION

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS **Box NO FEE AMENDMENT** WASHINGTON, DC 20231

Sir:

Responsive to the Office Action of May 19, 2005:

## **Application History**

The Examiner issued a "Notice of Non-Responsive Reply" to Applicant's election of species. Applicant elected species II and amended its claims to include new dependent claims, which Examiner objects to. Applicant respectfully submits that its election was fully responsive and proper for the following reasons:

The Examiner required a restriction between two species, namely Species I (claims 2-10 (credits in the form of commissions) and Species II (credits in the form of votes). No claims were found generic. Applicant elected Species II with one independent claim, namely claim 11, with claims 12-16 depending therefrom. Claim 11 as specified by the Examiner clearly reads only on Species II.